1942. K Legal DEPARTMENT
A BRANCH

File No. O. Motor Spirit/42

Subject:—

Opinions under the Motor Spirit Rationing Order, 1941

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File No. C. Motor Spirit/42

Std. Sects. Slip 24 B a.

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	C.No.1864. 2-3-42	Clauses 23 and 24 whether the producer of motor spirit can use or permit the use of the mixture for supplying motive power to any motor vehicle except under the authority of licence.	

SMT/2.5.

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Submitted.

2. The N.D. was advised in R.L.A's opinion No. 8694, dated the 11th Oct.1941 that there was no statutory provision which prohibited the running of motor cars on kerosene or on a mixture of kerosene and petrol. The D.S.,Commerce Dept., Govt. of India, in his demi-official letter at p. 3 ante informed the Provincial Rationing Authority, Bombay, that mixing of kerosene with petrol and using the mixture as motor fuel is contrary to the provisions of clause 24 of the Motor Spirit Rationing Order as long as the resultant mixture continues to fall within the definition of motor spirit. The D.S.,N.D., states that he still does not feel that sec. 24 of the Motor Spirit Rationing Order has any close bearing on the question. The papers are shown to the R.L.A.

3. Clause 24 of the Motor Spirit Rationing Order, 1941, provides that except under the authority of a license or unless the motor spirit has been obtained upon the surrender the coupons, no producer shall use or permit the use of motor spirit produced by him for the purpose of supplying motive power to a motor vehicle registered in his name under the Motor Vehicles Act, 1939, or to any aircraft or motor boat owned by him. The word "producer" has been defined in sub-clause (h) of clause (2) of the Motor Spirit Rationing Order, 1941, to mean a person who produces motor spirit; and includes a person who by mixing motor spirit (whether produced by himself or not) with power alcohol or other substance not included in the definition of motor spirit produces a mixture which itself falls within the definition of motor spirit.

P.T.O.

Petrol is a motor spirit and a person who mixes petrol with kerosene would be a producer, if the mixture falls within the definition of motor spirit. Such a producer cannot use or permit the use of the mixture for supplying motive power to any motor vehicle except under ~~THEAUTHORITY~~ the authority of a license or unless the motor spirit has been obtained on surrender of coupons It therefore appears that if petrol and kerosene are mixed and the resultant mixture falls under the definition of the term 'motor spirit' in the Motor Spirit Rationing Order, the mixture cannot be used for supplying motive power to a motor vehicle except under a license or upon surrender of coupons. There is thus no absolute prohibition of the use of such mixture. The use however can be prohibited by the authorities either by refusing to grant a license or by attaching the condition of non-use of such a mixture under clause 12 while granting a coupon.

Sd/- S.R.Potnis.
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Office of the R.L.A.

On further consideration it would appear that under clauses 23 and 24 of the Motor Spirit Rationing Order, 1941, producers of motor spirit and other persons are precluded from using motor spirit containing a mixture of petrol and kerosene for the purpose of running motor vehicles except under the authority of a license or unless such motor spirit has been obtained upon the surrender of coupons. To this extent therefore the R.L.A.'s opinion No.6894, dated 11-10-41 may be considered as modified. That opinion was given primarily with reference to the Sales Tax Act together with the Rules thereunder and the Petroleum Act but through some misunderstanding the provisions of clauses 23 and 24 of the Motor Spirit Rationing Order, 1941 were not specifically considered and appear to have been overlooked.

Sd/- P.N.MENON.
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Remembrancer of Legal Affairs.

U.R. to H.D., No.1864, dated the 2nd March, 1942.

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